

(ITEM 6) From the Ethics Code Study Committee, submitting a report and ordinance revision with recommendations for existing and proposed provisions to the Milwaukee County Code of Ethics, by recommending adoption of the following:

**AN AMENDED RESOLUTION/ORDINANCE**

WHEREAS, Chapter 9 of the Milwaukee County Code of General Ordinances contains the Code of Ethics that governs the ethical conduct of all candidates for county office, elected and appointed officers, employees, and members of county boards and commissions; and

WHEREAS, in 2006 the Milwaukee County Board of Supervisors authorized the creation of the Milwaukee County Code of Ethics Study Committee ("Study Committee") to "evaluate existing and proposed provisions of the Milwaukee County Code of Ethics and make recommendations on revisions to the Code" (File No. 06-283); and

WHEREAS, the Study Committee held seventeen public meetings to review and consider proposals to modify the Ethics Code, presented proposed changes for comment at a public hearing, and submitted recommendations to the County Board for due deliberations; and

WHEREAS, after substantial review, consideration and revision, the Committee on Judiciary, Safety and General Services, at the Special Meeting of that Committee on June 24, 2008 recommended adoption of a recreated Code of Ethics based largely on the Study Committee's recommendations (Vote: 7-0); and

WHEREAS, the recreated Code of Ethics revises and improves the existing Code of Ethics in the following primary aspects:

- The preamble of the Code is broadened to include the policy declaration contained in the State of Wisconsin Code of Ethics and further lists principles of ethical conduct
- The advisory opinion process has been clarified to encourage those covered by the code to seek guidance on questions related to compliance while retaining the advisory capacity of Corporation Counsel
- The investigation and hearing provisions are modified to encourage conciliation of disputes and settlements, provide for closed hearings on complaints and minimize adversarial proceedings
- The Code establishes a protocol with the District Attorney's Office to allow for the transfer of information between that office and the Ethics Board
- The Statement of Economic Interest includes the spouse of the filer
- The Ethics Board appointment process is modified to identify a list of nominating authorities, comprising leading civic organizations, who will

47 provide the County Executive with names of two prospective nominees;  
48 the County Executive will select the appointment from those names  
49 • A new section is included offering guidance on political activity  
50

51 Now, therefore,  
52

53 BE IT RESOLVED, that the Milwaukee County Board of Supervisors hereby  
54 repeals and recreates Chapter 9, Code of Ethics, of the Milwaukee County Code of  
55 General Ordinances, by adopting the following:  
56

57 AN ORDINANCE  
58

59 The Milwaukee County Board of Supervisors ordains as follows:  
60

61 **SECTION 1.**

62 Chapter 9 of the Milwaukee County Code of General Ordinances, up to and including  
63 \_\_\_\_\_, is hereby repealed and recreated as follows:  
64

65 Chapter 9 CODE OF ETHICS  
66

- 67 9.01. Declaration of Policy and Ethical Principles  
68 9.02. Definitions  
69 9.03. Financial Disclosure  
70 9.04. Form of Statement.  
71 9.05. Standards of Conduct.  
72 9.06. Political Activity  
73 9.07. Ethics Board: Composition, Appointment, Staffing and Meetings.  
74 9.08. Duties of the Ethics Board.  
75 9.09. Advisory Opinion, Formal Opinions, Corporation Counsel Opinions, Investigation  
76 Requests, and Verified Complaints  
77 9.10. Preliminary Conference  
78 9.11. Hearing Procedure  
79 9.12. Findings of Fact, Conclusions of Law, Orders, and Recommendations  
80 9.13. Settlements  
81 9.14. Honorariums, Fees, and Expenses  
82  
83

84 9.01. Declaration of Policy and Ethics Principles.

85 (1) Policy. It is declared that high moral and ethical standards among county public  
86 officials and county employees are essential to the conduct of free government; that the  
87 county believes that a code of ethics for the guidance of county public officials and  
88 county employees will help them avoid conflicts between their personal interests and  
89 their public responsibilities, will improve standards of public service and will promote  
90 and strengthen the faith and confidence of the people of this county in their county  
91 public officials and county employees. It is the intent of the county that in its operations  
92 the board shall protect to the fullest extent possible the rights of individuals affected.

93 (2) Ethics Principles. The proper operation of democratic government requires that  
94 public officials and employees be independent, impartial, and responsible to the people;  
95 that decisions and policy be made in the best interests of the people, the community,  
96 and the government; that public office not be used for personal gain; and that the public  
97 has confidence in the integrity of its government. In recognition of these goals, this code  
98 of ethics shall apply to all candidates for county office, elected and appointed officers  
99 and employees of the county, and members of county boards and commissions.  
100 Nothing contained herein is intended to deny to any individual those rights granted by  
101 the United States Constitution, the constitution and laws of the State of Wisconsin, or  
102 labor agreements negotiated with certified employee bargaining representatives. The  
103 purpose of this code is to establish standards of conduct to assist public officials and  
104 employees in avoiding those acts or actions that are incompatible with the best interests  
105 of county government and the people of Milwaukee County. Further this code provides  
106 the process by which determinations are made that public officials or employees have  
107 acted in ways which are incompatible with the best interests of county government and  
108 of the people of Milwaukee County.

109 (2) Ethical Principles. The ethical county public official or employee  
110 should:

- 111 • Properly administer the affairs of the county.
- 112 • Promote decisions that only benefit the public interest.
- 113 • Actively promote public confidence in county government.
- 114 • Preserve and protect all funds and other properties of the  
115 county.
- 116 • Conduct and perform the duties of the office diligently and  
117 promptly dispose of the business of the county.
- 118 • Maintain a positive image to pass constant public scrutiny.
- 119 • Evaluate all decisions so that the best service or product is  
120 obtained at a minimal cost without sacrificing quality and fiscal  
121 responsibility.
- 122 • Inject the prestige of the office into everyday dealings with the  
123 public, employees and associates.
- 124 • Maintain a respectful attitude toward employees, other public  
125 officials, colleagues and associates.
- 126 • Effectively and efficiently work with governmental agencies,  
127 political subdivisions and other organizations in order to further  
128 the interest of the county.
- 129 • Faithfully comply with all laws and regulations applicable to the  
130 county and impartially apply them to everyone.

131 The ethical county public official or employee should not:

- 132 • Engage in outside interests that are not compatible with the impartial and  
133 objective performance of his or her duties.
- 134 • Improperly influence or attempt to influence other officials to act in his or her own  
135 benefit.
- 136 • Accept anything of value from any source that is offered to influence his or her  
137 action as a public official.

138 The ethical county public official or employee accepts the responsibility that his or her  
139 mission is that of servant and steward to the public.

140

#### 141 9.02. Definitions.

142 (1) "Anything of value" means any money or property, favor, service, payment,  
143 advance, forbearance, loan, or promise of future employment, business, or other  
144 consideration having a value greater than twenty five dollars (\$25.00), but does not  
145 include compensation and expenses paid by the county, fees and expenses which are  
146 permitted and reported under section 9.14 of the Code, political contributions which are  
147 reported under ch. 11, Wis. Stats., or hospitality extended for a purpose unrelated to  
148 county business by a person other than an organization.

149

150 (1m) "Appointed official" means any member appointed to a county commission or  
151 board.

152

153 (2) "Associated," when used with reference to an organization, includes any  
154 organization in which an individual or a member of his/her immediate family is a  
155 director, officer, or trustee, or who has a significant fiduciary relationship or an individual  
156 who owns or controls, directly or indirectly, and severally or in the aggregate, at least  
157 ten (10) percent of the outstanding equity.

158

159 (3) "Board" means the Ethics Board.

160

161 (4) "Business" means any corporation, partnership, proprietorship, firm, enterprise,  
162 franchise, association, organization, self-employed individual, or any other legal entity  
163 that engages in profit-making activities.

164

165 (5) "Conflict of Interest" means a public official's or employee's action or failure to  
166 act in the discharge of his or her official duties which could reasonably be expected to  
167 produce or assist in producing a substantial economic or personal benefit for such  
168 official, his or her immediate family or an organization with which he or she is  
169 associated.

170

171 (6) "Elected official" means any person holding an elected county office.

172

- 173 (7) "Employee" means any person holding an office or position in the classified  
174 service of the county or any person holding a non-classified office or position, except  
175 elected officials and appointed officials.  
176
- 177 (8) "Gift" means the payment or receipt of anything of value without valuable and  
178 sufficient consideration.  
179
- 180 (9) "Immediate family" means an individual's:  
181 (a) spouse; and  
182 (b) child, parent or sibling or in-law or step-relative of the same degree who  
183 receives, directly or indirectly, more than one-half of his/her support from the  
184 individual or from whom the individual receives, directly or indirectly, more  
185 than one-half of his /her support.  
186
- 187 (10) "Investigation Request" means a written and signed statement from a person  
188 stating that there are specific acts or omissions by an identified person subject to the  
189 Code from unverified sources which appear prima facie to constitute a violation of the  
190 Code and for which the requestor is seeking that an investigation be undertaken to  
191 determine whether a matter should be pursued under the Verified Compliant  
192 proceedings. The investigation request must remain confidential until disclosure is  
193 permitted or required by the Code unless the subject of the complaint requests in writing  
194 that it be made part of the public record.  
195
- 196 (11) "Lobbying" means the practice of attempting to influence legislative or  
197 administrative action by oral or written communication with any public official.
- 198 (12) "Ministerial action" means an action that an individual performs in a given state of  
199 facts in a prescribed manner in obedience to the mandate of legal authority, without  
200 regard to the exercise of the individual's own judgment as to the propriety of the action  
201 being taken.  
202
- 203 (13) "Organization" means any stock or non-stock corporation, partnership,  
204 proprietorship, firm, enterprise, franchise, incorporated or unincorporated association,  
205 trust or other legal entity other than an individual or body politic.  
206
- 207 (14) "Privileged information" means information obtained under government authority  
208 which has not become a part of the body of public information.  
209
- 210 (15) "Probable cause" means information sufficient to support a reasonable belief that an  
211 identified person has or may have violated one or more provisions of this Code.  
212
- 213 (16) "Public official" means any elected official or appointed official.  
214
- 215 (17) "Reporting period" means any 6-month period beginning with Jan. 1 and ending  
216 with June 30 or beginning with July 1 and ending with Dec. 31 or annual period  
217 beginning January 1 through December 31.  
218

(18) "Significant fiduciary relationship" means owning or controlling, directly or indirectly:  
(a) At least ten (10) percent of the outstanding stock or stock of any business corporation having a cost or market values of at least five thousand dollars (\$5,000.00), or  
(b) An interest of at least ten (10) percent or five thousand dollars (\$5,000.00) of any organization.

(19) "Resources" means county supplies, services, property, or facilities not available to all citizens.

(20) "Verified Complaint" means a written statement from a person, given under oath and subscribed before a notary public or other official authorized to administer oaths, alleging specific acts or omissions constituting a violation of the Code by an identified person subject to the Code. The Verified Complaint must remain confidential until disclosure is permitted or required by the Code unless the subject of the complaint requests in writing that it be made part of the public record.

#### 9.03. Financial disclosure.

(1) COUNTY OFFICIALS, CANDIDATES OR EMPLOYEES REQUIRED TO FILE STATEMENTS OF ECONOMIC INTEREST: All county elected and appointed officials, candidates for elected county offices, and county employees, whose duties and responsibilities, performed for or on behalf of the county or any board or commission thereof, include the awarding or execution of contracts for the purchase of supplies, services, materials, and/or equipment; the construction of public works; and/or the sale or leasing of real estate or who may be designated by the Ethics Board, shall file statements of economic interests as set forth in this section. In the case of members of boards and commissions, the Ethics Board may, in its discretion, require the filing of economic interest statements by members of boards and commissions. Upon failure of any such person to file the requested statement within a period of thirty (30) days from the date requested in writing by the Ethics Board, such person shall be subject to those penalties applicable to others who fail to file such statements as required by this chapter.

(2) FILED WITH COUNTY ELECTION COMMISSION: Statements of economic interests shall be filed with the county election commission on the date of the filing of nomination papers:

- (a) By all county elected officials when initially a candidate for office; and
- (b) By all candidates for county elected offices.

(3) FILE WITHIN 30 DAYS OF EMPLOYMENT OR TAKING OFFICE: Upon entering county employment, elected office, or appointment as a public official, persons required to file statements of economic interests shall do so within thirty (30) days after commencement of employment or of taking oath of office.

#### (4) ANNUAL STATEMENT OF ECONOMIC INTEREST FILING REQUIREMENT

265 (a) Each person required to file a statement of economic interests shall file  
266 updated statements with the Ethics Board within thirty (30) days after the closing  
267 of each calendar year.

268 (b) QUARTERLY FINANCIAL DISCLOSURE REQUIRED FOR PENSION  
269 BOARD: Each member of the county pension board and each employee of the  
270 pension board who is a county official or employee, shall complete and file with  
271 the Ethics Board a quarterly financial disclosure statement no later than the last  
272 day of the month following the end of each calendar quarter or any portion  
273 thereof in which he or she was a member or employee of the county pension  
274 board. Such financial disclosure statements shall be in the form prescribed by the  
275 Ethics Board and shall identify the date and nature of any purchase, sale, put,  
276 call, option, lease, or creation, dissolution or modification of any economic  
277 interest made during the quarter for which the report is filed and disclosure of  
278 which would be required by this code.

279 (c) NO COMPENSATION UNTIL FILING: A person required to file a statement of  
280 economic interests under this section shall not receive his/her salary or other  
281 compensation until he/she files such statement of economic interests.

282 (d) DISCLOSURE BY SPOUSE: County elected officials, appointed officials,  
283 candidates, and employees required to file statements of economic interests, as  
284 required by section 9.03, shall include and file statements of a spouse's  
285 employment and financial assets and liabilities.

286

287 (5) AFFIDAVIT OF COMPLIANCE: Within thirty (30) days after the close of each  
288 calendar year, all county employees and public officials referred to in section 9.03(1)  
289 shall file with the Ethics Board a sworn affidavit regarding compliance with statements of  
290 economic interests provisions found in this chapter. The sworn affidavit shall be a form  
291 provided by the Ethics Board as approved by the county board and shown as Appendix  
292 A to this chapter.

293

294 (6) UPDATING RECOMMEND LIST OF INDIVIDUALS COVERED: Each department  
295 head in the service of the county shall submit to the executive director of the Ethics  
296 Board an updated list of the job titles and position numbers of those incumbents within  
297 his/her jurisdiction. He/she shall indicate on the list whom, in his/her opinion, should be  
298 required to file statements of economic interests and sworn affidavits.

299

300 9.04. Form of Statement.

301 The person filing a statement of economic interests, as required under this chapter,  
302 shall file the statement on a form prescribed by the Ethics Board, with the concurrence  
303 of Corporation Counsel and the Department of Audit, and shall include the following  
304 information applicable as of the 15th day of the month preceding the month in which the  
305 statement is required to be filed:

306 (a) The identity of every significant fiduciary relationship, organization associated  
307 with and the offices and directorships held by him/her or his/her spouse;  
308 (b) The identity and amount of bonds, debentures, or debt obligations of a  
309 municipal corporation or other corporation, in excess of five thousand dollars  
310 (\$5,000.00), held by him/her or his/her spouse;

- (c) The name of any creditor to whom he/she or his/her spouse owes five thousand dollars (\$5,000.00) or more and the amount owed;
- (d) The identity of each significant fiduciary relationship and the identity and amount of property, bonds, debentures, or debt obligations of a municipal corporation or other corporation in excess of five thousand dollars (\$5,000.00) transferred by him/her or his/her spouse to a member of his/her immediate family during the two (2) calendar years preceding the filing of the statement;
- (e) The identity of real property in the county or contiguous county in which the person or his/her spouse holds an interest and the nature of the interest held. Real property exempted from reporting includes:
1. The principal residence of such person or his/her spouse; and
  2. Real property for which the pro rata share of such person or his/her spouse is less than ten (10) percent of the outstanding shares or is less than an equity value of five thousand dollars (\$5,000.00).
- (f) The identity of each non-stock corporation:
1. Which such person or his/her spouse holds an office or position and the title of the office or position; and
  2. Which is doing business with the county or operating in the county.

#### 9.05. Standards of Conduct.

(1) NO PERSONAL OR ECONOMIC INTEREST IN DECISIONS AND POLICIES: The county board hereby reaffirms that a county elected official, appointed official or employee holds his/her position as a public trust, and any effort to realize personal gain through official conduct is a violation of that trust. This chapter shall not prevent any county elected official, appointed official or employee from accepting other employment or from following any pursuit which does not interfere with the full and faithful discharge of his/her duties to the county. The county board further recognizes that in a representative democracy, the representatives are drawn from society and, therefore, cannot and should not be without all personal and economic interest in the decisions and policies of government; that citizens who serve as public officials or public employees retain their rights as citizens to interests of a personal or economic nature; that standards of ethical conduct for public employees and public elected and appointed officials need to distinguish between those minor and inconsequential conflicts which are unavoidable in a free society and those conflicts which are substantial and material; and that county elected officials, appointed officials or employees may need to engage in employment and/or professional or business activities, other than official duties, in order to support their families and to maintain a continuity of professional or business activity or may need to maintain investments. However, the code maintains that such activities or investments must not conflict with the specific provisions of this chapter.

(2)(a) NO FINANCIAL GAIN OR ANYTHING OF SUBSTANTIAL VALUE: Except as otherwise provided or approved by the county board, no county public official or employee shall use his/her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself/herself or his/her immediate family, or for an organization with which he/she is associated. This paragraph does not prohibit a county elected official from using the title or



357           prestige of his/her office to obtain campaign contributions that are permitted by  
358           and reported as required by ch. 11, Wis. Stats.

359       (b) **NO PERSON MAY OFFER ANYTHING OF VALUE:** No person shall offer or give  
360           to any public official or employee, directly or indirectly, and no public official or  
361           employee shall solicit or accept from any person, directly or indirectly, anything of  
362           value if it could reasonably be expected to influence the public official's or  
363           employee's vote, official actions or judgment, or could reasonably be considered  
364           as a reward for any official action or inaction or omission by of the public official  
365           or employee. This section does not prohibit a public official or an employee from  
366           engaging in outside employment.

367       (c) **NO SUBSTANTIAL INTEREST OR BENEFIT:** Except as otherwise provided in  
368           paragraph (i), no public official or employee shall:

369               1. Take any official action substantially affecting a matter in which the  
370               public official, employee, a member of his/her immediate family, or an  
371               organization with which the public official or employee is associated has a  
372               substantial financial interest.

373               2. Use his/her office or position in a way that produces or assists in the  
374               production of a substantial benefit, direct or indirect, for the public official,  
375               employee, members of the public official's or employee's immediate family  
376               either separately or together, or an organization with which the public  
377               official or employee is associated.

378       (d) **NO DISCLOSURE OF PRIVILEGED INFORMATION:** No county public official or  
379           employee shall use or disclose privileged information gained in the course of, or  
380           by reason of, his/her position or activities which in any way could result in  
381           financial gain for himself/herself or for any other person.

382       (e) **NO USE OF PUBLIC POSITION TO INFLUENCE OR GAIN UNLAWFUL**  
383           **BENEFITS, ADVANTAGES OR PRIVILEGES:** No county public official or  
384           employee shall use or attempt to use his/her public position to influence or gain  
385           unlawful benefits, advantages, or privileges for himself/herself or others.

386       (f) **NO OFFER OF GIFTS OR ANYTHING OF VALUE:** No county public official shall  
387           offer or give anything of value to a member or employee of a county department  
388           or entity, while that member or employee is associated with the county  
389           department or entity, and no member or employee of a department shall solicit or  
390           accept from any such person anything of value from a county official or  
391           employee.

392       (g) **LIMITS ON CONTRACTS WITH COUNTY:** No county public official or employee  
393           and no business with which he/she or his/her spouse has a significant fiduciary  
394           relationship or any organization with which he/she or his/her spouse is  
395           associated shall enter into any contract with the county unless that contract has  
396           been awarded through a process of public notice and competitive bidding in  
397           conformity with applicable federal and state statutes and county ordinances.

398       (h) **LIMITS ON LEASE OF REAL ESTATE WITH COUNTY:** No county public official  
399           or employee and no business in which that county public official or employee has  
400           a ten (10) percent or greater interest shall enter into a lease of real property with  
401           the county, except that the county board, upon a publicly filed and considered  
402           request, shall waive this subsection when it is in the best interests of the county.

- 403 (i) NO LIMITS ON LAWFUL PAYMENTS: Paragraph (c) does not prohibit an elected  
404 official from taking any action concerning lawful payment of salaries or employee  
405 benefits or reimbursement of actual and necessary expenses, or prohibit an  
406 elected official from taking official action with respect to any proposal to modify a  
407 county ordinance.
- 408 (j) NO SOLICITATION OF AT-WILL EMPLOYEES: No elected county official shall  
409 knowingly solicit a campaign contribution from any "at-will employee" defined as  
410 an employee who is not under union or labor contract with the county, who is  
411 hired for an indefinite term or who is under an independent contract with the  
412 county or its subparts or who can be discharged or terminated at any time for any  
413 nondiscriminatory reason.
- 414 (k) NO CAMPAIGN CONTRIBUTIONS TO COUNTY OFFICIALS WITH APPROVAL  
415 AUTHORITY: No person(s) with a personal financial interest in the approval or  
416 denial of a contract or proposal being considered by a county department or with  
417 an agency funded and regulated by a county department, shall make a campaign  
418 contribution to any county elected official who has approval authority over that  
419 contract or proposal during its consideration. Contract or proposal consideration  
420 shall begin when a contract or proposal is submitted directly to a county  
421 department or to an agency funded or regulated by a county department until the  
422 contract or proposal has reached final disposition, including adoption, county  
423 executive action, proceedings on veto (if necessary) or departmental approval.  
424 This provision does not apply to those items covered by section 9.14 unless an  
425 acceptance by an elected official would conflict with this section. The language  
426 in section 9.05(2)(k) shall be included in all Requests for Proposals and bid  
427 documents.
- 428 (l) LIMITS ON HONORARIUM FEES OR EXPENSE REIMBURSEMENTS: No county  
429 public official or employee shall accept or solicit any honorariums, fees or  
430 expense reimbursements except in accordance with section 9.14.

431  
432 (3) LIMITS ON CONTACT:

- 433 (a) LIMITS ON CONTACT WITH FORMER COUNTY ASSOCIATES: No former  
434 county public official or employee, for twelve (12) months following the date on  
435 which he/she ceases to be a county public official or employee, shall, for  
436 compensation, on behalf of any person other than a governmental entity, make  
437 any formal or informal appearance before or try to settle or arrange a matter by  
438 calling, writing, or conferring with, any county public official, officer or employee  
439 of the department with which he/she was associated as a county public official or  
440 employee.
- 441 (b) LIMITS ON CONTACT WITH JUDICIAL OR QUASI-JUDICIAL PROCEEDINGS:  
442 No former county public official or employee for twelve (12) months following the  
443 date on which he/she ceases to be a county public official or employee, shall for  
444 compensation on behalf of himself/herself or any person other than a  
445 governmental entity, make any formal or informal appearance before, or try to  
446 settle or arrange a matter by calling, writing, or conferring with, any county public  
447 official, officer or employee of a department in connection with any judicial or  
448 quasi-judicial proceeding, application, contract, claim, or charge which was under

449 the former public official's or employee's responsibility as a county public official  
450 or employee.  
451 (c) LIMITS ON CONTACTS WITH JUDICIAL OR QUASI-JUDICIAL PROCEEDINGS  
452 WHERE PERSONALLY PARTICIPATED: No former county public official or  
453 employee shall, whether for compensation or not, act on behalf of any party other  
454 than the county in connection with any judicial or quasi-judicial proceeding,  
455 application, contract, claim, or charge in which the former public official or  
456 employee participated substantially as a public official or employee.  
457 (d) CONSIDERATION OF EXEMPTIONS: The Ethics Board shall accept and review  
458 written requests by former appointed officials for an exemption from the  
459 prohibitions of (3). Such exemption requests must be heard and deliberated  
460 during a properly convened open session of an Ethics Board meeting and must  
461 be included in a written Ethics Board opinion stating the reason(s) that the former  
462 appointed official should be exempt from the otherwise prohibited conduct.  
463

#### 464 9.06 Political Activity

465 (1) CAMPAIGN PROHIBITIONS: No county public official or employee at his or her  
466 place of employment while engaged in his or her official duties shall, for the apparent  
467 purpose of seeking to elect or defeat a person seeking elective office:

- 468 (a) Wear or display any campaign material.
- 469 (b) Distribute any campaign literature.
- 470 (c) Solicit contributions for any candidate.
- 471 (d) Engage in political campaign activities for any candidate.
- 472 (e) Circulate nomination papers for elected office.
- 473

474 (2) COERCION PROHIBITED: No county employee shall in any way coerce or attempt  
475 to coerce contributions or services from subordinate employees in support of a political  
476 party or a candidate for elective office or for or against a referendum position, or  
477 retaliate against or reward an employee for refraining from participating in any political  
478 activity.

479  
480 (3) PROHIBITION ON REWARDS: No county elected official or candidate for a county  
481 elected office shall promise an appointment to any county position as an apparent  
482 reward for any political activity.  
483

#### 484 485 9.07. Ethics Board: Composition, Appointment, Staffing and Meetings.

486 (1) The Ethics Board shall be composed of:

- 487 (a) SIX MEMBERS: six (6) adult residents of the county;  
488
- 489 (b) NOMINATING AUTHORITIES: the nominating authorities shall be the  
490 following entities:
  - 491 1. President of the National Association for the Advancement of Colored  
492 People (NAACP)
  - 493 2. Board Chair of Public Policy Forum

- 494 3. Board Chair of Greater Milwaukee Committee
- 495 4. President of the Milwaukee Bar Association
- 496 5. Board Chair of Inter-Faith Conference of Greater Milwaukee
- 497 6. President of the Board of the League of Women Voters of Greater
- 498 Milwaukee.

499 The nominating authorities are leaders of longstanding, broad-based Milwaukee  
500 County entities interested in good government and institutional integrity. Ethics Board  
501 members shall reflect the racial and ethnic diversity of Milwaukee County, serve the  
502 residents of Milwaukee County according to their oaths of office and act independently  
503 from the nominating and appointing authorities.

504 (c) COMPLETION OF TERMS: Upon the effective date of this Code, current  
505 Ethics Board sitting members shall complete their respective current terms, to  
506 preserve continuity and experience on the Ethics Board.

- 507 1. Any sitting member at the time of the effective date of this Code is eligible
- 508 for reappointment to the Ethics Board by the nominating entities.
- 509 2. Any sitting member at the time of the effective date of this Code, if
- 510 nominated by an appointing entity for a six-year term, would not be subject to the
- 511 limitations of (g) for that initial nomination.

512 (d) SOLICITATION OF NOMINATIONS: The county executive shall solicit  
513 nominations from the nominating authorities for term appointments according to  
514 the order in which they are listed above.

515 (e) NOMINATION PROCEDURE: Each nominating authority, upon request of the  
516 county executive, shall submit the names of two (2) nominees to the county  
517 executive who shall then select and submit the name of one of the nominees as  
518 an appointee to the county board for confirmation.

- 519 1. The county executive shall notify a nominating entity 180 days before a
- 520 term is expiring which the nominating entity is to fill.

521 The nominating entity shall submit a nomination(s) to the county executive 120 days before  
522 the expiration of the term of the impending vacancy.

- 523 3. In the event of a vacancy during a member's term, the county executive
- 524 will provide immediate notification of the vacancy.

525 (i) The notification shall be provided to the nominating entity which  
526 nominated the member who is leaving the Ethics Board.

527 (ii) The nominating entity must submit nominations of two (2) names to the  
528 county executive within 30 days.

529 (iii) If the mid-term vacancy is of a Ethics Board member appointed prior to  
530 the effective date of this Code, then the county executive will notify  
531 the nominating entity which is charged with the next nomination, as  
532 provided in sec. 9.07(1)(d).

533 (iv) A resume of each nominee for appointment to the Ethics Board shall  
534 be submitted to the county executive. The county executive shall  
535 submit the name of his/her appointee to every member of the county  
536 board at least thirty (30) days prior to county board action on  
537 confirmation of the nominee for appointment.

538 (v) Upon receiving the nomination from the nominating entity, the Ethics  
539 Board's Executive Director shall provide to the appointee all pertinent

540 information concerning Ethics Board member's authority and duties  
541 and Ethics Board operations.

542 (f) SIX-YEAR TERM: Except as provided in sec. 9.07(1)(c), a member shall be  
543 nominated and appointed for a term of six (6) years.

544 (g) LIMIT OF TWO CONSECUTIVE TERMS: A member shall be limited to two  
545 (2) consecutive terms but in no event shall a member be appointed for more than  
546 twelve (12) consecutive years.

547 (h) ELECTION OF CHAIR AND VICE CHAIR: The Chair and vice chair shall be  
548 elected annually at the Annual Meeting, pursuant to sec. 9.07(3)(b). In the event  
549 of a vacancy in the office of chair, the Ethics Board shall elect the Chair in a  
550 properly convened meeting and in open session pursuant to sec. 9.07(3)(c)(2).

551 (i) MEMBER CANNOT BE COUNTY PUBLIC OFFICIAL OR EMPLOYEE: A  
552 member shall not hold any other public office or employment in the government  
553 of the county while serving on the Ethics Board.

554 (j) CANDIDATES FOR PUBLIC OFFICE MUST RESIGN: A member of the  
555 Ethics Board who officially files as a candidate for public office while serving on  
556 the Ethics Board must resign his/her position on the Ethics Board or be subject to  
557 removal by the Ethics Board.

558 (k) REMOVAL OF BOARD MEMBERS ONLY FOR CAUSE: Removal from the  
559 Ethics Board shall be for cause, according to the rules and procedures of the  
560 Ethics Board

561

562 (2). APPOINTMENT OF EXECUTIVE DIRECTOR AND ADDITIONAL PERSONNEL: The  
563 county executive shall appoint, subject to confirmation by the county board, an Executive  
564 Director who shall perform such duties as the Ethics Board assigns to him/her. The county  
565 board shall provide such additional personnel as may be required in the administration of  
566 this chapter and execution of the duties of the Ethics Board.

567

568 (3) (a) FOUR (4) MEETINGS PER YEAR: The Ethics Board shall meet at least four  
569 times per year.

570 (b) FEBRUARY ANNUAL MEETING: A February meeting will be designated as  
571 the Annual Meeting of the Ethics Board.

572 (c) METHOD OF CALLING MEETINGS: All mandatory or additional meetings of  
573 the Ethics Board:

574 1. shall be called by the Chair; or

575 2. by a minimum of three (3) members of the Ethics Board upon written  
576 request to the Executive Director.

577

578 (4) AFFIRMATIVE VOTE FOR ACTION Any action by the Ethics Board shall require  
579 an affirmative vote of four (4) members.

580

## 581 9.08. DUTIES OF THE ETHICS BOARD

582 (1) AUTHORITY: The Ethics Board shall serve as the primary authority for interpreting  
583 the Code, for applying the Code to written requests for Advisory Opinions and Formal  
584 Opinions, for deciding the outcome of Verified Complaints, for conducting meetings and

for establishing policies and procedures for internal operations except for the provisions of 9.09(3) relating to the Corporation Counsel.

(2) WRITTEN RULES OF POLICY AND PROCEDURES: The Ethics Board shall adopt such written rules of policy and procedure to execute its duties and obligations under this chapter. The Ethics Board rules shall be made available for public inspection and reference.

(3) FORMS: The Ethics Board shall prescribe and make available forms for use under this chapter.

(4) RECORDS FOR PUBLIC INSPECTIONS: The Ethics Board shall accept and file and have available for public inspection any information related to the purposes of this chapter which is supplied by any person, in addition to the information required by this chapter excepting that which this chapter provides is not to be made available for public inspection or scrutiny.

(5) PRESERVE STATEMENTS OF ECONOMIC INTERESTS FOR SIX YEARS: The Ethics Board shall preserve the statements of economic interests filed with the Ethics Board for a period of six (6) years from the date of receipt in such form as will facilitate document retention.

(6) REPORT OF INQUIRY TO INDIVIDUAL WHO FILED STATEMENT OF ECONOMIC INTERESTS: The Ethics Board shall report in writing to the individual who filed a statement of economic interests, as soon as possible, the identity of any individual seeking to copy or obtain information from a statement of economic interests. This subsection does not apply to the Ethics Board or to any individual acting on behalf of the Ethics Board.

(7) FILE AND COMMUNICATE DETERMINATIONS: The Ethics Board shall file and publicly communicate the determinations of Verified Complaints and formal opinions, according to the provisions of sec.9.09.

(8) RETAIN ADVISORY OPINIONS: The Ethics Board shall retain Advisory Opinion requests and opinions, according to the provisions of sec.9.09.

(9) PREPARE AND FILE ANNUAL REPORT:

(a) The annual report shall be prepared and approved by the Ethics Board no later than April 1 of each succeeding year.

(b) The Annual Report shall be submitted to the county executive and the county board.

(c) The Annual Report will report on the Ethics Board's actions, compliance with prescribed duties, operations and activities during the preceding calendar year, including a summary of its determinations, a synopsis of each Advisory Opinion issued under sec.9.09 of the code, a synopsis of each finding by the Ethics Board that a violation of the Code was committed, and the current and complete text of all opinions issued by the Ethics Board.

(d) Such synopses shall be redacted to remove names and any other information that would disclose identifying information of any individual county public official or employee seeking the Advisory Opinion or any person or entity discussed in the Advisory Opinion.

(10) PUBLIC EDUCATION: Assist and cooperate with other county entities in the public education regarding the Code, amendments to the code, and advisory and formal opinions issued by the Ethics Board.

(11) RETAIN EXPERTS: Retain outside counsel, hearing examiners, and other experts as needed after solicitation of recommendations from corporation counsel and upon such contract for services approved for form and content by corporation counsel.

(12) CONDUCT INVESTIGATIONS: Conduct investigations, order hearings of Verified Complaints and hear cases of Verified Complaints.

*9.09. Advisory Opinion, Formal Opinions, Corporation Counsel Opinions, Investigation Requests and Verified Complaints.*

(1). ADVISORY OPINION.

(a) REQUEST FOR ADVISORY OPINION: A request may be made of the Ethics Board for an Advisory Opinion:

- (i) By any individual, either personally or on behalf of an organization or governmental body, regarding the propriety of any matter to which the person is or may be engaged in as provided by sec. 9.09.
- (ii) By any appointing authority, with the consent of a prospective appointee to a county office or position of employment in county service, regarding the propriety of any matter in which the prospective appointee is or may be engaged, as provided under sec. 9.09.

(j) Or an advisory opinion may be requested from the Governmental Accountability Board by the Corporation Counsel as provided in 9.09(3).

(b) ADVISORY OPINION REQUESTS CLOSED FROM PUBLIC INSPECTION: Requests for Advisory Opinions, records obtained or filed in connection with requests for such Advisory Opinions and Advisory Opinions rendered by the Ethics Board shall be closed to public inspection.

(c) The Ethics Board shall review a request for an Advisory Opinion and may advise a person or organization making the request.

(i) Advisory Opinion requests shall be in writing.

(ii) Advisory Opinion requests are not "public records" pursuant to Ch. 19, Wis. Stats., unless the person or organization requesting the Advisory Opinion or the person who is the subject of the Advisory Opinion requests, in writing, that the matter be made part of the public record.

- 676 (iii) It is prima facie evidence of intent to comply with this chapter when  
677 a person refers a matter to the Ethics Board and abides by the  
678 Ethics Board's Advisory Opinion, if the material facts are as stated  
679 in the written opinion request.
- 680 (iv) The Ethics Board's deliberations and actions upon such requests  
681 shall be in properly noticed meetings and held in closed session,  
682 pursuant to state statute, unless the person or organization  
683 requesting the Advisory Opinion or the person who is the subject of  
684 the Advisory Opinion requests, in writing, that the matter be heard  
685 and deliberated in open session.
- 686 (v) No member or employee of the Ethics Board may make public the  
687 identity of the individual requesting an Advisory Opinion or of  
688 individuals or organizations mentioned in the opinion.
- 689 (vi) Advisory Opinion shall be written and provided to the requesting  
690 party. The written Advisory Opinion and the records obtained or  
691 filed in connection with requests for such Advisory Opinion shall be  
692 filed with the Ethics Board and closed to public inspection.
- 693 (vii) This provision shall not be interpreted to preclude the Ethics Board  
694 from compiling or publishing summaries of Advisory Opinions that  
695 are redacted to remove any information that would disclose the  
696 identity of any individual or organization.  
697  
698  
699

## 700 (2) FORMAL OPINIONS.

701 The Ethics Board may issue a Formal Opinion interpreting the Ethics Code or applying  
702 the Ethics Code to postulated facts without a request from a county public official or  
703 employee. This process allows the Board to interpret the application of the Code to a  
704 universal concern and to address an issue that might not otherwise be raised in an  
705 Advisory Opinion request, Investigation Request or a Verified Complaint. Formal  
706 Opinions serve as an educational tool for Code compliance and a means for persons to  
707 avoid engaging in an activity that might otherwise become a matter for the Investigation  
708 Request or the Verified Complaint processes.

- 709 (a) If the Ethics Board determines that a Formal Opinion would provide useful  
710 guidance on an issue of broad concern or assist individuals who are subject to  
711 the Code to comply with its terms, the Ethics Board shall adopt a resolution to  
712 that effect which identifies the issue the Ethics Board intends to address.
- 713 (b) Upon adoption of such a resolution, the Ethics Board shall discuss that issue  
714 in a properly noticed meeting pursuant to the Open Meetings law.
- 715 (c) Formal Opinions shall be written, filed with the Ethics Board, included in the  
716 Annual Report and public record and provided for public inspection.
- 717 (d) The records obtained or filed in connection with Formal Opinion resolutions  
718 shall be filed with the Ethics Board and available for inspection.  
719

## 720 (3) CORPORATION COUNSEL OPINIONS



- 721 (a) A county public official or employee or other person may request in writing  
722 that the Ethics Board obtain an Advisory Opinion from the Corporation Counsel  
723 regarding the application of this chapter to a given set of circumstances.  
724 (b) The Ethics Board may request in writing an Advisory Opinion from  
725 Corporation Counsel.  
726 (c) Any written Advisory Opinion requested of Corporation Counsel under this  
727 section is subject to the provisions and process of sec. 9.09 (1).  
728 (d) The Ethics Board may authorize the Corporation Counsel to act in its stead in  
729 instances where delay is of substantial inconvenience or detriment to the requesting  
730 party. In such instances it is prima facie evidence of intent to comply with this  
731 chapter when the requesting party abides by the Corporation Counsel's written  
732 Advisory Opinion, if the material facts are as stated in the written opinion request.  
733 (e) The Corporation Counsel may request an advisory opinion under 5.05(6a) of  
734 Wis. Statutes from the Governmental Accountability Board when requested by  
735 the Ethics Board or County Board.  
736

737 (4) INVESTIGATION REQUESTS AND VERIFIED COMPLAINTS

- 738 (a) INVESTIGATION REQUESTS AND VERIFIED COMPLAINTS IN  
739 WRITING: Investigation Requests shall be in writing and signed. The  
740 Ethics Board shall review them. Verified Complaints shall be in writing and  
741 sworn to as provided in sec. 9.02(20). The Ethics Board shall review them.  
742 (b) TIMELY FILING REQUIRED: Pursuant to Ch.19, Wis. Stats., when  
743 an Investigation Request or Verified Complaint is filed it does not become  
744 part of the public record. No action may be taken on any Verified  
745 Complaint that is filed later than 3 years after a violation of the Code is  
746 alleged to have occurred. On-going alleged violations that began earlier  
747 than three years after being alleged in an Investigation Request or Verified  
748 Complaint may be reviewed to the point of origination, included in the  
749 hearing on the Verified Complaint, and be found to be violations of the  
750 Code.  
751 (c) REFERRAL TO THE DISTRICT ATTORNEY: After filing with the  
752 Ethics Board, a copy of the Verified Complaint shall be provided to the  
753 District Attorney. The Ethics Board will not act on the Verified Complaint if  
754 a delay is requested by the District Attorney. A copy of any Investigation  
755 Request shall be provided to the District Attorney after the Investigation  
756 Request is approved by the Ethics Board. The Ethics Board shall delay  
757 further action on the Investigation Request if requested by the District  
758 Attorney.  
759 (d) RELEASE BY DISTRICT ATTORNEY: The Ethics Board may  
760 review the Verified Complaint when released by the District Attorney.  
761 (e) NOT PUBLIC RECORDS: Investigation Requests and Verified  
762 Complaints are not "public records" unless the person who is the subject  
763 of the Investigation Request or Verified Complaint requests, in writing, that  
764 the matter be made part of the public record.  
765 (f) NOTIFICATION TO ACCUSED: Within 10 days of receiving a  
766 Verified Complaint or approving an Investigation Request, the board shall

forward to the subject of the Investigation Request or Verified Complaint a copy of it and a general statement of the applicable Code provisions with respect to such Investigation Request or Verified Complaint unless a delay is requested by the District Attorney.

(g) COMPLIANCE WITH OPEN MEETING LAW: The Ethics Board's deliberations and actions upon such Investigation Request or Verified Complaint shall be in properly noticed meetings and held in closed session, pursuant to state statute, unless the person who is the subject of the Investigation Request or Verified Complaint requests, in writing, that the matter be heard and deliberated in open session.

(h) NO DISCLOSURE OF IDENTITY: No member or employee of the Ethics Board may make public the identity of the individual submitting the Investigation Request or Verified Complaint or of individuals or organizations mentioned in the Investigation Request or Verified Complaint.

(i) REVIEW IN CLOSED SESSION: The review of the Investigation Request or Verified Complaint shall proceed in closed session.

(j) WRITTEN DECISIONS: Decisions on Investigation Requests or Verified Complaints shall be written and provided to the subject of the Investigation Request or Verified Complaint and filed with the Ethics Board.

- i. If the Ethics Board determines that the review of the Investigation Request or Verified Complaint does not produce facts sufficient to merit a conclusion that a violation of the Code has occurred, it shall take no further action on the Request or shall dismiss the Complaint and notify the subject of the Investigation Request or Verified Complaint.
- ii. If the Board determines that the Investigation Request provides a basis for finding probable cause exists sufficient to constitute a violation of the Code, the Ethics Board may make, upon its own motion in closed session, a Verified Complaint. It shall be in writing, and shall state the alleged specific acts or omissions constituting a violation of the Code by an identified person subject to the Code. Such Verified Complaint would follow the provisions of sec. 9.10 et. seq.

(k) HARASSMENT DISCLOSURE: If the Board determines that the Investigation Request or Verified Complaint was brought for harassment purposes, the Board shall so state.

(l) NOT PUBLIC RECORDS: Investigation Requests or Verified Complaints that do not result in decisions that an alleged code violation exists would not be "public records." This provision shall not be interpreted to preclude the Ethics Board from compiling or publishing a summary of the unsubstantiated Investigation Requests that are redacted to remove any information that would disclose the identity of any individual or organization.

(m) PUBLIC RECORDS: Verified Complaints that result in findings of Code violations would become "public records" upon completion of all Ethics Board proceedings.

#### 9.10. Preliminary Conference.

##### (1) PRELIMINARY CONFERENCE:

(a) VOLUNTARY RESOLUTION: Every effort should be made to voluntarily resolve an allegation that the Ethics Code has been violated.

(b) BOARD PROCEDURE: Following the release by the District Attorney, an Investigation Request or a Verified Complaint that provides a reasonable basis for the belief that a violation of the Code has or might have occurred or is ongoing, the Ethics Board shall schedule a preliminary conference during the closed session of a properly noticed Ethics Board meeting.

(c) The Ethics Board shall notify both the person who filed the Investigation Request or Verified Complaint and the person who is the subject of the Request or the Complaint that a Preliminary Conference has been scheduled for closed session.

(d) The Ethics Board shall state in the notice the nature and purpose of the Preliminary Conference and the actions or activities to be discussed, and that those notified of the Conference may bring evidence or witnesses with them for review.

(e) The Ethics Board shall confer with each party separately.

1. The Ethics Board shall administer an oath to each person appearing in the matter.
2. The person who submitted the Investigation Request or the Verified Complaint shall meet with the Ethics Board first.
3. The person(s) who is subject to the Investigation Request or Verified Complaint shall meet subsequently with the Ethics Board.
4. If the Ethics Board needs additional information it may pursue it on its own. The Ethics Board also shall provide both persons-- the person who submitted the Investigation Request or Verified Complaint and the subject(s) of the Investigation Request or Verified Complaint, additional time for submission of any further evidence or witness appearance. If necessary, the Ethics Board shall extend the Preliminary Conference and establish an additional meeting time to complete the Preliminary Conference.
5. After obtaining all the information it needs, the Ethics Board will deliberate in closed session without either or any of the parties present.

##### (2) PRELIMINARY CONFERENCE OUTCOMES:

(a) DISMISSAL: If the Ethics Board determines that probable cause does not exist to find that a violation of the Code has occurred or that the matter does not

warrant further action, it shall dispose of the Investigation Request or Verified Complaint through written dismissal.

(b) **DISMISSAL WITH CONDITIONS:** If the Ethics Board determines during the course of the Preliminary Conference that the subject of the Investigation Request or Verified Complaint recognizes that a minor violation of the Code has occurred, which has been rectified or will be rectified, the Ethics Board may enter into a stipulation with the subject of the Investigation Request or the Verified Complaint, and shall issue a written dismissal of the Request or Complaint on condition that the matter can be reopened if similar or other minor violations occur within three years. The stipulation will remain part of the closed record.

(c) **SETTLEMENT:** If the Ethics Board determines during the course of the Preliminary Conference that actions or omissions of the subject of the Investigation Request or Verified Complaint constitute significant violations of the Code, it may enter into a settlement pursuant to sec. 9.13.

(d) **INVESTIGATION REQUEST: ORDER TO HEARING:** If the Ethics Board determines during the course of the Preliminary Conference that actions or omissions of the subject of the Investigation Request constitute significant violations of the Code, it may, on its own motion, file a Verified Complaint and shall issue an order to proceed to the hearing process and set a date for a hearing to determine whether a violation of the Code has occurred.

(e) **VERIFIED COMPLAINT: ORDER TO HEARING:** If the Ethics Board determines during the course of the Preliminary Conference that the actions or omissions of the subject of the Verified Complaint constitute violations of the Code, it shall issue an order to proceed to a hearing to determine whether a violation of the Code has occurred.

(f) **AMENDMENT:** If the Ethics Board determines during the course of the Preliminary Conference that violation(s) of the Code allegedly exist, other than the violations alleged in the Investigation Request or Verified Complaint, it may draft or amend the Investigation Request or Verified Complaint, upon its own motion, to include such violation(s).

### (3) PREHEARING PROCESS:

(a) **NOTICE AND COPY OF ORDER:** The Ethics Board shall mail a copy of the order to proceed to a hearing to each subject of the Verified Complaint who is identified in the motion together with a notice informing the subject of the Verified Complaint that the matter will proceed to the hearing process. The notice shall include the written motion, a general statement of the applicable provisions of the Code that will be considered at the hearing and the date set for the hearing. Service of the notice is complete upon mailing.

(b) **HEARING WITHIN 30 DAYS:** A hearing ordered under this subsection shall be commenced within 30 days after the date it is ordered unless the subject(s) of the Verified Complaint and hearing order petition(s) in writing for a later date and the Board consents in writing.

(c) **DISCOVERY RIGHTS:** Prior to convening any hearing ordered under this subsection the subject(s) of the Verified Complaint and hearing order is entitled to

904 reasonable discovery rights including adverse examination of witnesses who will  
905 testify at the hearing at a reasonable time before the date of the hearing.  
906 (d) EXCULPATORY EVIDENCE: The Ethics Board shall inform the subject(s) of the  
907 Verified Complaint and the hearing order of his/her/their counsel of exculpatory  
908 evidence in its possession.

909

#### 910 9.11 HEARING PROCEDURE

911 (1) During any hearing the members of the Ethics Board will be the finders of fact,  
912 decide the conclusions of law and issue orders. They will determine whether a violation  
913 of the Code has occurred. All evidence that the Ethics Board considers shall be fully  
914 offered and made a part of the record in the proceedings. The subject(s) of the hearing  
915 or any other person under investigation shall be afforded an adequate opportunity to  
916 rebut or offer countervailing evidence

917

918 (2) The Ethics Board shall appoint a hearing examiner to conduct the hearing. The  
919 Ethics Board may also retain outside counsel and other experts as needed with respect  
920 to the hearing, in accordance with its policies. The selection of a hearing examiner and  
921 outside counsel or other experts and any contract for such persons shall be made after  
922 solicitation of recommendations from corporation counsel and the contract shall be  
923 approved for form and content by corporation counsel.

924

925 (3) Any person, other than the subject(s) of the hearing, whose name is mentioned  
926 or who is otherwise identified during a hearing being conducted by the Ethics Board,  
927 and who, in the opinion of the Ethics Board, may be adversely affected thereby, may,  
928 upon written request of the person or counsel of the person, or upon the request of any  
929 member of the Ethics Board, appear at the hearing to testify on his or her own behalf or  
930 have counsel appear to represent his/her interests, and the Ethics Board may permit  
931 any other person to appear and testify at a hearing.

932

933 (4) Chapters 901 to 911, Wis. Stats., apply to the admission of evidence at the  
934 hearing.

935

936 (5) The Ethics Board shall not find a violation of the Code except upon clear and  
937 convincing evidence admitted at the hearing, according to an affirmative vote of four  
938 member of the Ethics Board.

939

940 (6) The hearing examiner during the hearing on behalf of and/or at the behest of the  
941 Ethics Board shall have the power to require any person to submit, in writing, such  
942 reports and answers to questions relevant to the proceedings conducted under the  
943 Code as the Ethics Board may prescribe, such submission to be made within such  
944 reasonable time period and under oath or otherwise as the Ethics Board may  
945 determine. The hearing examiner shall have the power:

946

947 (a) To administer oaths and to require by subpoena the attendance  
948 and testimony of witnesses and the production of any documentary evidence  
relating to the hearings being conducted.

949 (b) To order testimony to be taken by deposition before any individual  
950 who has the power to administer oaths and, in such instances, to compel  
951 testimony and the production of evidence.  
952 (c) To order the payment of witnesses the same fees and mileage as are paid  
953 in like circumstances by the courts of this state.  
954 (d) To request and obtain from the department of revenue copies of  
955 state income tax returns and access to other appropriate information  
956 regarding all persons who are the subject of the hearing pursuant to Chapter  
957 19, Wis. Stats.  
958

959 (7) During the hearing the subject(s) of the hearing proceedings or the subject(s) of  
960 the Verified Complaint may be represented by counsel of his or her own choosing.  
961

962 (8) During the hearing, the subject(s) of the hearing or his or her or their counsel, if  
963 any, shall have an opportunity to examine all documents admitted at the hearing, to  
964 bring witnesses, to establish all pertinent facts and circumstances, to question or refute  
965 testimony or evidence, including the opportunity to confront and cross examine adverse  
966 witnesses, and shall otherwise be able to exercise reasonable discovery.  
967

968 (9) After the conclusion of the hearing the Ethics Board shall as soon as practicable  
969 begin deliberations on the evidence presented at such hearing and shall then proceed  
970 to determine whether the subject(s) of the hearing violated the Code.  
971

972 9.12 FINDINGS OF FACT AND CONCLUSIONS; ORDERS AND  
973 RECOMMENDATIONS:

974 (1) If the Ethics Board determines that no violation of the Code has occurred, it shall  
975 immediately send written notices of such determination to the subject(s) of the hearing.  
976 Such a determination will not become part of the public record.  
977

978 (2) If the Ethics Board determines that a violation of the Code has occurred it must  
979 prepare its findings of fact and conclusions of law that a violation(s) of the Code  
980 occurred, and it must make one or more of the following orders and recommendations:

981 (a) An order requiring the subject of the hearing to conform his/her conduct to the  
982 Code.

983 (b) An order requiring an individual who has been determined to have violated the  
984 Code to forfeit an amount not less than one hundred dollars (\$100) nor more than  
985 one thousand dollars (\$1,000) for each violation of the Code, along with a payment  
986 deadline.

987 (c) An order for the specified return of county property or funds or gifts and/or  
988 restitution for the value of gifts, property and funds procured, obtained or retained  
989 as a result of the Code or in violation of the Code.  
990

991 (d) Such other recommendation(s) or order(s) as may be necessary, appropriate  
992 and consistent with the intent and purposes of the Code.

993 (e) An order in any case when the Ethics Board determines that a violation has  
994 occurred that includes, when the determination warrants, a recommendation that

the subject of the order be censured, suspended or removed from office or employment.

(i) In the case of a county public official, a recommendation shall be made to the appropriate appointing authority or county body that may censure, suspend or take action to remove the official from office or employment.

(ii) In the case of a county employee, a recommendation shall be made to the appropriate appointing authority or county body that the county employee be disciplined or discharged.

(f) An order that the findings of fact, conclusions of law and orders be made part of the public record, including instructions that certain information should be sealed or redacted based on the need to protect persons and documents that in the judgment of the Ethics Board should not be part of the public record.

(3) The corporation counsel, when so requested by the Ethics Board, shall institute a civil proceeding under Chap. 778, Wis. Stats., to recover any forfeiture, restitution or declaratory order incurred under this section which has not been timely complied with by the subject of the order. Any forfeiture or other funds recovered under this section shall be remitted to the county treasurer. Any property ordered returned shall be returned to the county department or entity from which the property was taken, or to any other person or entity providing a gift.

(4) No county entity, public official or employee shall authorize the subrogation of forfeitures, funds, restitution, attorney fees and costs, or anything of value to assist a person subject to a finding in an Ethics Board hearing order.

#### 9.14 SETTLEMENTS:

(1) **AUTHORITY:** The Ethics Board may compromise and settle any action or potential action or a violation of the Ethics Code on such terms as may be agreed upon between the Ethics Board and the subject of the investigation or hearing. A compromise and settlement under this section may include any of the orders or recommendations which the Ethics Board is authorized to make under sec. 9.13 of the Ethics Code.

(2) **WRITTEN AGREEMENT:** Whenever the Ethics Board enters into a compromise and settlement agreement under this section with an individual who has been alleged to have violated the Ethics Code in an Investigation Request or Verified Complaint or who is subject to the hearing process for a possible violation of the Ethics Code, the Ethics Board shall reduce the agreement to writing for signature by the Ethics Board chair and by the subject of the investigation or Verified Complaint process. The Ethics Board shall also prepare a written statement of the findings of the Ethics Board concerning the alleged violation and the Ethics Board's reasons for entering into the agreement, which statement shall be retained as part of the public record.

(3) **FOUR VOTES REQUIRED:** A written settlement agreement can be entered into by the Ethics Board only upon the affirmative vote of four members of the Ethics Board.

1041 9.14. Honorariums, Fees, and Expenses.

1042 (1) Every county elected official, appointed official or employee is encouraged to meet  
1043 with clubs, conventions, special interest groups, political groups, school groups, and  
1044 other gatherings to discuss the affairs of the county relative to the duties of that official  
1045 or employee. Such public officials and employees present at such meeting relative to  
1046 their duties as a public official or employee shall avoid accepting anything of value, not  
1047 including the value of food and beverage offered coincidentally with a talk or meeting, if  
1048 it could reasonably be expected to influence the public official's or employee's vote,  
1049 official actions or judgment, or could reasonably be considered as a reward for any  
1050 official action or inaction or omission by the public official or employee.

1051  
1052 (2) (a) Except as provided for in paragraph (b), every county public official or  
1053 employee who is required to file a statement of economic interests, pursuant to sec.  
1054 9.03 and who receives any lodging, transportation, money, or other thing with a  
1055 combined pecuniary value exceeding fifty dollars (\$50.00), not including the value  
1056 of food or beverage offered coincidentally with a talk or meeting, shall report on  
1057 his/her statement of economic interests the identity of every person from whom the  
1058 county public official received such lodging, transportation, money, or other things  
1059 during the preceding taxable year, the circumstances under which it was received,  
1060 and the approximate value thereof.

1061 (b) A county public official or employee need not report on his/her statement of  
1062 economic interests under paragraph (a) any compensation, reimbursement, or  
1063 payment which:

- 1064 (i). The county public official or employee returns to the payer within thirty  
1065 (30) days of receipt;
- 1066 (ii) The county public official or employee can show by clear and convincing  
1067 evidence was made for a purpose unrelated to the purposes specified in  
1068 subsection (1) and unrelated to the duties or responsibilities of the position  
1069 of the public official or employee;
- 1070 (iii) The county public official or employee has previously reported to the  
1071 Ethics Board as a matter of public record; or
- 1072 (iv) The county public official or employee is paid by that branch of county  
1073 government or county department or agency in which the public official or  
1074 employee is empowered or to which he/she has been elected.

1075  
1076 (3) Notwithstanding sec. 9.05, a county public official or employee may receive and  
1077 retain reimbursement or payment of actual and reasonable expenses for a published  
1078 work or for participation in a meeting and may receive and retain reasonable  
1079 compensation if the work is published or the activity is accomplished by the county  
1080 public official or employee without the use of the county's time or resources or property  
1081 and outside the course of his/her official duties.

1082  
1083 (4) If any county public official or employee, whether or not required to file a statement  
1084 of economic interests, receives a payment not authorized by the Code, in cash or  
1085 otherwise, for a published work or talk or meeting, the county public official or employee  
1086 may not retain that payment. The county public official or employee shall deposit that



1087 payment in the general revenue account of the county, or the county public official or  
1088 employee shall return that payment or its equivalent to the payer pursuant to sec.  
1089 9.14(2)(b)(i). If the county public official or employee is required to file a statement of  
1090 economic interests, he/she shall report the payment prohibited by the provision when  
1091 filing his/her next required statement of economic interests.  
1092

1093 **SECTION 2.**

1094 The provisions of this Ordinance shall become effective upon passage and publication.